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ELIMINATION OF RACISM AND RACIAL DISCRIMINATION

Financial situation of the Committee on the Elimination of Racial Discrimination

Report of the Secretary-General

1. Pursuant to article 8, paragraph 6, of the International Convention on the Elimination of All Forms of Racial Discrimination (General Assembly resolution 2106 A (XX)), States parties "shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties".

2. At its forty-sixth session, the General Assembly considered the report of the Secretary-General concerning the question of financing the expenses of the members of the Committee (A/46/447) and adopted resolution 46/83 of 16 December 1991, in which the Assembly, inter alia, recalling the urgent appeals made by the Secretary-General, the Assembly, the meetings of States parties to the Convention and the Committee itself to the States parties to honour their financial obligations under the Convention, expressed its profound concern at the fact that a number of States parties to the International Convention had still not fulfilled their financial obligations; expressed once again its concern that such a situation had led to further delay in discharging the substantive obligations of the Committee under the Convention; strongly appealed to all States parties, especially those in arrears, to fulfil their financial obligations under article 8, paragraph 6, of the Convention and to pay their outstanding contributions and, if possible, their contributions for 1992 before 1 February 1992, so as to enable the Committee to meet regularly; invited the Secretary-General to continue to explore the possibilities of establishing a more secure basis for the future financing of all the costs of the Committee; and requested the Secretary-General to invite those States parties which were in arrears to pay the amounts in arrears, and to report thereon to the General Assembly at its forty-seventh session. The Assembly also called upon the States parties, as a

matter of priority, to consider all possibilities for establishing a more secure basis for the future financing of all the costs of the Committee, and noted that the Secretary-General had proposed in his report that the States parties at their next meeting should consider the question of the establishment of a "contingency reserve fund" (A/46/447, para. 4).

3. Additionally, the General Assembly, in its resolution 46/111 of 17 December 1991, welcomed the report of the Secretary-General (A/46/650) examining the financial, legal and other implications of providing full funding for the operation of all human rights treaty bodies, and invited the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 39/46, annex) to consider, as a matter of priority, all possible measures for meeting the costs of implementing these treaties on a viable, guaranteed basis, including the amendment of the funding provisions of these treaties. Further to this matter, the Assembly adopted decision 46/429 of 17 December 1991, in which it requested the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to consider, at their meeting in January 1992, the proposal of the Government of Australia to amend article 8, paragraph 6, of the Convention concerning arrangements for meeting the expenses of members of the Committee on the Elimination of Racial Discrimination while in performance of their duties.

4. The Fourteenth Meeting of States parties to the Convention adopted on 15 January 1992 the proposed amendment without a vote which, inter alia, replaced paragraph 6, article 8, of the Convention with the paragraph reading "The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the Convention" and added a new paragraph, as paragraph 7, reading "The members of the Committee established under the present Convention shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide", recommended that the General Assembly approve these amendments at its forty-seventh session, and decided that the amendment shall enter into force when it has been approved by the Assembly and accepted by a two-thirds majority of States parties which shall have so notified the Secretary-General as depositary. For the full text of the decision, see annex II of the present report.

5. The Committee on the Elimination of Racial Discrimination normally holds two regular sessions annually of three weeks' duration each. In 1992, however, the critical financial situation, arising from the non-fulfilment by a number of States parties of their financial obligations under the Convention, led to the cancellation of the spring session of the Committee and the curtailment of its summer session. Thus, the Committee was able to meet for only two weeks in 1992 instead of the six weeks that had been scheduled.

6. As at 31 August 1992, the total outstanding assessments and arrears was US$ 195,288, as detailed in annex I to the present report.

ANNEX I

Responsibilities of the States parties for the expenses of the members of the Committee on the Elimination of Racial Discrimination under article 8, paragraph 6, of the Convention

Assessments outstanding as at 31 August 1992

(United States dollars)

Afghanistan	1 348	Mauritania	2 285
Algeria	494	Mongolia	876
Argentina	690	Mozambique	5 097
Bangladesh	876	Nepal	876
Barbados	362	Nicaragua	2 244
Belarus	1 426	Niger	2 750
Bolivia	362	Nigeria	1 899
Brazil	1 792	Panama	1 122
Bulgaria	431	Papua New Guinea	362
Burkina Faso	6 630	Peru	2 469
Burundi	8 899	Philippines	285
Cambodia	2 244	Poland	610
Cameroon	942	Qatar	393
Cape Verde	7 162	Romania	1 819
Central African Republic	7 784	Russian Federation	18 149
Chad	211	Rwanda	876
Chile	1 006	Saint Vincent and the Grenadines	6 637
Congo	2 597	Seychelles	876
Costa Rica	3 889	Sierra Leone	8 659
Côte d'Ivoire	1 937	Solomon Islands	2 244
Dominican Republic	3 523	Somalia	7 028
Ecuador	913	Sri Lanka	362
El Salvador	7 162	Sudan	3 510
Fiji	362	Suriname	3 084
Gabon	892	Swaziland	362
Gambia	7 831	Syrian Arab Republic	385
Guatemala	1 389	Togo	1 367
Guinea	904	Tonga	798
Haiti	1 750	Trinidad and Tobago	1 501
Israel	1 949	Uganda	362
Jamaica	362	Ukraine	3 026
Kuwait	501	United Republic of Tanzania	1 898
Lao People's Democratic Republic	362	Uruguay	385
Lebanon	4 822	Viet Nam	2 244
Lesotho	1 348	Yemen	924
Liberia	7 139	Yugoslavia	1 435
Libyan Arab Jamahiriya	2 053	Zimbabwe	993
Madagascar	902		
Mali	9 850		
		Total	195 288

ANNEX II

Decision to amend article 8, paragraph 6, of the International Convention on the Elimination of All Forms of Racial Discrimination on arrangements for meeting the expenses of members of the Committee on the Elimination of Racial Discrimination while in performance of their duties

The States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination,

Reiterating the importance of the Interntional Convention on the Elimination of All Forms of Racial Discrimination, which is the most widely accepted human rights convention adopted under the auspices of the United Nations, as well as the contribution of the Committee on the Elimination of Racial Discrimination to the efforts of the United Nations to combat racism and all other forms of discrimination based on race, colour, descent or national or ethnic origin,

Concerned that the financial arrangements for meeting the expenses of members of the Committee on the Elimination of Racial Discrimination, in conformity with article 8, paragraph 6, of the Convention, have not proved sufficient to ensure that the Committee can discharge its mandate effectively,

Recalling the decisions adopted by the Eleventh, Twelfth and Thirteenth Meetings of States Parties appealing to all States parties to meet in full their financial obligations under article 8, paragraph 6, of the Convention,

Recalling also the decisions of the Committee on the serious impediment to its work resulting from the financial situation, including the cancellation and shortening of meetings, a/

Noting the concern expressed by the Chairman of the Committee in his letter of 14 November 1989 b/ about the continuing financial problems,

Aware that the General Assembly has, in its resolutions 41/105 of 4 December 1986, 42/57 of 30 November 1987, 43/96 of 8 December 1988, 44/68 of 8 December 1989 and 45/88 of 14 December 1990, expressed grave concern at the continuing deterioration of the proper functioning of the Committee as a result of interruptions to its meeting schedule and has made reiterated appeals to all States parties to fulfil their financial obligations without delay,

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a/ CERD 1989 (XXXVII) I, 1988 (XXXVI) I, 1987 (XXXIV) II and (XXXV) I.

b/ CERD/SP/39.

Noting also that the General Assembly has endorsed the recommendations of the 1988 and 1990 meetings of the chairpersons of human rights treaty monitoring bodies on the need to ensure adequate financing and adequate staffing resources for the operations of the treaty bodies, and in particular that the General Assembly in its resolution 46/111 of 17 December 1991 endorsed the recommendation of the 1990 meeting of chairpersons that the General Assembly take appropriate measures to ensure the financing of each of the monitoring committees from the regular budget of the United Nations,

Taking note of the General Assembly's request in its resolutions 46/83 and 46/111 that the States parties to the Convention consider, as a matter of priority, all possibilities of establishing a more secure basis for the future financing of all the costs of the Committee, including possible amendment to the funding provisions of the treaty,

Noting the proposed amendment to article 8, paragraph 6, of the Convention put forward by the Government of Australia c/ in accordance with article 23, paragraph 1, of the Convention,

Taking note further of General Assembly decision 46/428 of 17 December 1991, in accordance with article 23, paragraph 2, of the Convention, requesting that the current meeting of States parties consider the proposed amendment and to limit the scope of any revision of the Convention to the question of arrangements for meeting the expenses of Committee members while in performance of their duties,

1. Decide to replace paragraph 6 of article 8 of the Convention with the paragraph reading "The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the Convention";

2. Decide to add a new paragraph, as article 8, paragraph 7, reading "The members of the Committee established under the present Convention shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide";

3. Recommend that the General Assembly approve these amendments at its forty-seventh session;

4. Decide that the amendment shall enter into force when it has been approved by the General Assembly and accepted by a two-thirds majority of the States parties which shall have so notified the Secretary-General as depositary;

5. Urge all States parties to meet their financial obligations under the existing article 8, paragraph 6, of the Convention in full until such time as the amendment in paragraph 1 above enters into force;

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c/ C.N.285.1991.TREATIES-4 of 20 December 1991.

6. Strongly appeal to all States parties in arrears in making the contributions required by the existing provisions of the Convention to meet those payments in full;

7. Emphasize that the entry into force of the amendments cannot in any way be interpreted as relinquishing the obligation of States parties to meet in full any arrears in payments of their assessed contributions.